## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT CHATTANOOGA

V.	)	
DAVID ANDREW JONES	)	

## <u>ORDER</u>

Magistrate Judge Susan K. Lee filed a report and recommendation recommending the Court:

(1) grant Defendant's motion to withdraw his not guilty plea to Count Two of the four-count Superseding Indictment; (2) accept Defendant's plea of guilty to Count Two of the Superseding Indictment; (3) adjudicate Defendant guilty of the charges set forth in Count Two of the Superseding Indictment; (4) defer a decision on whether to accept the plea agreement until sentencing; and (5) find Defendant shall remain in custody until sentencing in this matter [Doc. 43]. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court ACCEPTS and ADOPTS the magistrate judge's report and recommendation [Doc. 43] pursuant to 28 U.S.C. § 636(b)(1) and ORDERS as follows:

- (1) Defendant's motion to withdraw his not guilty plea to Count Two of the Superseding Indictment is **GRANTED**;
- (2) Defendant's plea of guilty to Count Two of the Superseding Indictment is **ACCEPTED**;
- (3) Defendant is hereby **ADJUDGED** guilty of the charges set forth in Count Two of the Superseding Indictment;
- (4) A decision on whether to accept the plea agreement is **DEFERRED** until sentencing;

and

(5) Defendant **SHALL REMAIN** in custody until sentencing in this matter which is scheduled to take place on **Monday**, **December 8**, **2014 at 9:00 a.m. [EASTERN]** before the Honorable Harry S. Mattice, Jr.

SO ORDERED.

**ENTER:** 

/s/Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE